

HOUSE BILL No. 1397

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-11-3-6.

Synopsis: Publications sent to confined persons. Requires that books and periodical publications sent to persons confined in department of correction facilities must be mailed directly from the publisher unless the confined person receives prior approval from the superintendent to receive a book or periodical publication from another source.

Effective: July 1, 1999.

Pelath

January 12, 1999, read first time and referred to Committee on Courts and Criminal Code.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1397

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-11-3-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) A confined
3 person may acquire and possess printed matter on any subject, from
4 any source. **However, unless a confined person receives prior**
5 **approval from the superintendent to receive a book, magazine,**
6 **newspaper, or other periodical from another source, a confined**
7 **person may receive a book, magazine, newspaper, or other**
8 **periodical only if it is mailed to the confined person directly from**
9 **the publisher.** The department may inspect all printed matter and
10 exclude any material that is contraband or prohibited property.
11 However, in the case of a confined adult, the department may not
12 exclude printed matter on the grounds it is obscene or pornographic
13 unless it is obscene under Indiana law. A periodical may be excluded
14 only on an issue by issue basis. Printed matter obtained at cost to the
15 confined person must be prepaid.
16 (b) If the department withholds printed matter, it must promptly
17 notify the confined person. The notice must be in writing and include



1 the title of the matter, the date the matter was received at the facility or
2 program, the name of the person who made the decision, whether the
3 matter is objectionable in whole or in part, the reason for the decision,
4 and the fact that the department's action may be challenged through the
5 grievance procedure.

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